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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Human rights violations in Bougainville

Report of the Secretary-General

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Introduction

1. At its fiftieth session, the Commission on Human Rights adopted resolution 1994/81 entitled "Human Rights violations in the Papua New Guinea island of Bougainville", in which, inter alia, it requested the Secretary-General, in the light of developments between the adoption of that resolution and 30 September 1994, to consider the appropriateness of appointing a special representative whose mandate might include:

(a) To establish direct contact with the Government of Papua New Guinea and representatives of the people of the various groups in the Papua New Guinea province of Bougainville to investigate the situation of human rights in Bougainville, including any progress made towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

(b) To explore ways to promote an end to armed conflict and to facilitate dialogue and negotiations between the parties to the conflict, with a view to reaching a comprehensive, just and lasting solution and the full restoration of human rights;

(c) To receive credible and reliable information from Governments, non-governmental organizations and any other body that might assist him in carrying out his mandate;

(d) To report to the Commission on Human Rights at its fifty-first session;

2. Following an invitation by the Government of Papua New Guinea, a representative of the Secretary-General, Mr. Francesc Vendrell, Director of the East Asian and the Pacific Division of the Department of Political Affairs, visited that country from 8 to 12 August 1994. During the course of his visit, he travelled to Buka on 10 August 1994. However, a visit to Bougainville could not take place on that occasion. Another mission is, therefore, planned for 23 to 27 January 1995 in order to undertake a more in-depth examination. A report of the findings of the proposed visit will be issued as an addendum to this report.

3. The present report contains information on activities undertaken by treaty bodies established under international human rights instruments with regard to the human rights situation in Bougainville, a description of the evolution of the situation since March 1994, and the official response of the Government of Papua New Guinea addressed to the Commission on Human Rights. It will be supplemented by the above-mentioned addendum containing the report of the second mission by the representative of the Secretary-General.

I. ACTIVITIES OF TREATY BODIES ESTABLISHED UNDER INTERNATIONAL INSTRUMENTS

A. Committee on the Elimination of Racial Discrimination

4. The Committee on the Elimination of Racial Discrimination considered the implementation of the Convention on the Elimination of All Forms of Racial Discrimination in Papua New Guinea, and in particular, the situation in Bougainville, at its 1060th meeting, held on 12 August 1994 (see CERD/C/SR.1060 and A/49/18). Papua New Guinea has been a party to this Convention since 1982.

5. In its concluding observations, adopted at its 1067th meeting held on 18 August 1994, the Committee expressed its grave concern at reports of serious human rights violations, including summary executions and population transfers, as well as the possible resumption of large-scale mining operations in Bougainville, where the population is ethnically distinct. The Committee suggested, inter alia, that the Government of Papua New Guinea should cooperate with the Secretary-General of the United Nations and with the High Commissioner for Human Rights.

B. Committee on the Rights of the Child

6. Papua New Guinea ratified the Convention on the Rights of the Child on 1 March 1993 and under the reporting obligations, a report on the implementation of the Convention by the Government of Papua New Guinea is due for submission to the Committee on the Rights of the Child by the end of March 1995.

II. EVOLUTION OF THE SITUATION REGARDING BOUGAINVILLE SINCE MARCH 1994

7. A Parliamentary Delegation from Australia visited Bougainville from 18 to 22 April 1994. Although the delegation was unable to speak with the Bougainville Revolutionary Army (BRA) forces directly, they noted that a military solution was not possible for either side and that it was the desire of the people of Bougainville to have peace, harmony and the return of prosperity.

8. The Crown Prince of Tonga was invited to conduct a visit in connection with the conflicts in Bougainville.

9. Preliminary talks were held in Honiara in June 1994 between the representatives of the Papua New Guinea authorities and the BRA, which culminated in signing of the Minutes of Agreement of Tambea Record on 27 August 1994.

10. The above-mentioned Agreement led to further contacts. On 3 September, the Honiara Commitments to Peace in Bougainville was signed by the Prime Minister of Papua New Guinea and the representatives of the various groups concerned, as well as by the Commander of the Bougainville Revolutionary Army.

11. On 8 September 1994, the above-mentioned parties agreed to a cease-fire, under which Arawa, Panguna, Wakunai and Buin were declared neutral zones from where the South Pacific Regional Peace-keeping Force was to operate. The members of the Peace-keeping Force came from Australia, Fiji, Tonga and Vanuatu.

12. After the Papua New Guinea authorities offered guarantees of safe passage, a high-level meeting with the BRA leadership took place on 18 October 1994.

III. RESPONSE OF THE GOVERNMENT OF PAPUA NEW GUINEA TO THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

RESPONSE

by the

GOVERNMENT OF PAPUA NEW GUINEA

to the

UNITED NATIONS COMMISSION ON HUMAN RIGHTS RESOLUTION

on

ALLEGED HUMAN RIGHTS VIOLATION

on

BOUGAINVILLE PROVINCE

of

PAPUA NEW GUINEA

23 rd September 1994

RESPONSE BY THE PAPUA NEW GUINEA GOVERNMENT

TO THE

UNITED NATIONS COMMISSION ON HUMAN RIGHTS RESOLUTION

ON

ALLEGED HUMAN RIGHTS VIOLATION

ON BOUGAINVILLE PROVINCE OF

PAPUA NEW GUINEA

23RD SEPTEMBER, 1994

F O R E W O R D

This response in the form of a report by the Government of the Independent State of Papua New Guinea to the United Nations Commission on Human Rights Resolution on Alleged Human Rights Violation on Bougainville, highlights the major issues resulting to those allegations.

It is important to note that the Bougainville situation is not a colonial problem, nor is it a minority or indigenous peoples' issue.

However, it is an issue that stemmed from legitimate claims of compensation for the use of tribal lands, in the process of development of a mining project which was taken advantage by criminal elements on Bougainville.

In a vibrant democracy like ours, the National Constitution provides guarantees for all freedoms including the right to freedom of expression which are entrenched as basic and fundamental rights of the person.

Hence, people from the Bougainville Province of Papua New Guinea have not been denied those rights, nor have they been repressed through a state system but have enjoyed to the fullest, their legitimate place as citizens of Papua New Guinea.

You will know by now that since the adoption of those resolutions and the report of the Secretary-General, events have taken place leading to negotiations for a Peace Conference to be held in Arawa on 10 October 1994 in Bougainville.

There is genuine desire by my Government and the affected parties on Bougainville to bring to an end all the suffering that has occurred over the last five and a half years by convening this Conference under the framework of the National Constitution, other laws and government policies. The Government is determined that with the support of all the leaders of the Province the outcome of the conference will restore peace, normalcy and national unity in Papua New Guinea.

I trust that upon perusal of this report the United Nations would be assured that my Government is genuine in upholding the principles enshrined in the Charter of the United Nations, especially in the protection and promotion of human rights.

Sir Julius Chan, KBE, GCMG, MP
Prime Minister of Papua New Guinea

September 1994

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RESPONSE BY THE GOVERNMENT OF PAPUA NEW GUINEA TO THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS RESOLUTION ON ALLEGED HUMAN RIGHTS VIOLATION ON BOUGAINVILLE

A. PURPOSE:

The purpose of this document is to provide information on the Bougainville Province of Papua New Guinea in response to the United Nations Commission on Human Rights Resolutions 1993 /76 of 10th March 1993 and 1994/81 of 11 March 1994 and the Secretary General's Report on the situation in Bougainville contained in Document E/CN. 4/1994/60 on the question of alleged human rights violations.

B. BACKGROUND:

1. Information about the Province

1.1 Geographical factors

North Solomons Province, now renamed as Bougainville Province is approximately 990 kilometres east and in a straight line from Port Moresby, the capital of Papua New Guinea. It has a land area of 9,300 square kilometres comprising of the main island of Bougainville (208 kilometres long and 96 kilometres wide), the island of Buka to the north and several Atolls further north.

The population of the Province as of January, 1989 is 200,000 with the density of 20 persons per square kilometre.

The people of Bougainville are Melanesians. There are nineteen (19) language groups. All Bougainvilleans trace their clan through their mothers and landownership in most communities is traced through the mother.

The majority of Bougainvilleans live by subsistence farming growing such crops as taro, sweet potato and breadfruit. The most prevalent cash crops are cocoa and copra. About sixty per cent of this was grown by small holders, the rest coming from expatriate owned plantations. Protein is obtained from chicken, pigs or fish.

From 1972 until the 15th May, 1989, Bougainville Copper Limited (BCL) under the Bougainville Copper Agreement operated a large, rich open pit copper mine and processing plant at Panguna which was earning the country over 40% of the revenue annually.

1.2 The Colonial Legacy

Bougainville was settled in the latter part of the nineteenth century. In this period, it came under the German administration, a situation which was formalised by an exchange of notes with the British Government in 1899. German administration lasted until the outbreak of World War I in 1914 and after the war, Bougainville became a mandated territory of Australia under the League of Nations.

Missionaries had also played a significant role in the shaping of Bougainville. The Catholic Society of Mary (Marist) arrived in 1902 followed in 1920 by the Methodist and in 1924 by the Seventh Day Adventists. The most influential in terms of numbers of adherents has been the Catholic Church. Apart from seeking converts to Christianity, the Missionaries provided an important supplementy to the administration in education and medical care.

Together with the rest of Papua New Guinea, the island remained under Australian Colonial Administration up until Independence on 16th September 1975.

1.3 Post Independence Period

Upon achieving Independece on 16th September 1975, Papua New Guinea faced a major crisis caused by the secession, announced two weeks earlier, of copper rich Bougainville. For five months the situation remained tense. But concerned about the threat of secession elsewhere, convinced of the depth of resolve on Bougainville, and uncertain of the consequences of full confrontation, the National Government backed down. It was helped by an increasingly conciliatory approach by Bougainville leaders who became less certain of their ability to "go it alone".

Resolution of the crisis was achieved in February 1976 when the National Government agreed to insert a chapter on Provincial Government into the Constitution and to pass an 'Organic Law' on Provincial Government'.

The Constitutional amendment was introduced into Parliament early in 1976. It provided only the broadest outlines for a Provincial Government System. Then between February and August detailed negotiations took place between the National Government and the Bougainville leaders culminating in the signing of the 'Bougainville Agreement' in August 1976.

Whilst providing specific arrangements for the North Solomons, the Bougainville Agreement also stated that the arrangements were 'within a scheme of decentralisation of powers within a united Papua New Guinea'.

The remarkable pace and pressure involved in the negotiation and implementation of the Bougainville Agreement had a number of consequences. First, although many aspects of the initial positions of the parties were based on earlier work of the Constitutional Planning Committee (CPC) and of various consultants (particulary Watts and Leaderman, 1975) the pressure for immediate solutions was so great that limited use was made of previous studies. Second, the complexity of the Organic Law, its many hazy provisions, its apparent omissions and its drafting errors were due, in part, to the limited time for both negotiations and drafting. Third, the package of arrangements contained in the Organic Law was affected by the special needs and concerns of Bougainville - an island geographically separated from the rest of the country, with a relatively well educated and homogeneous populace,and relatively well developed infrastructure and agriculture.

At the height of the crisis, the North Solomons Provincial Government was suspended in August, 1990 and has remained suspended since.

2. Background to the Crisis

The Bougainville Crisis grew out of the Panguna Landowners' Economic, Social and Environmental concerns arising out of the mining activities of Bougainville Copper Limited (BCL), the Company which mined for copper and gold at the Panguna Mine on Bougainville Island.

Landowner resentment of BCL's activities originated from discontentment with compensation paid out to them by the Company for social disturbances to their livelihood and damages to the environment. Furthermore, there were concerns and dissatisfaction among the landowners, especially between the matrilineal and patrilineal families over the inequitable distribution of payments.

The conflict reached a point of no return when the militant landowners aided by members of the cultist movement intensified their acts of sabotage against the Mine's employees and assets in mid November 1988. Mathew Kove, Director of the Trust Fund and member of the old Trust Fund was abducted from his house in Panguna, taken to the jungle and executed by the Militant landowners and members of the cultist movement.

The Bougainville crisis then took a strategic change from its original dimensions, which was a simple armed uprising to attract government attention over the original landowners economic concerns, to a course of secession in about December 1989.

C. BOUGAINVILLE REVOLUTIONARY ARMY (BRA)

At the withdrawal of the Security Force in early March 1990, the situation on Bougainville became uncontrollable. The National Government's faith in the agreement, thus, was betrayed. Seizure of power on Bougainville by the BRA was made formal immediately by an announcement by the BRA leadership which opposed the extension of the cease-fire from 16 March 1990 and thereon. Suspected government informants including loyal government supporters were detained and placed on internment by the BRA. These set out the wave of atrocities committed against innocent people which has continued up until now.

The unilateral declaration of independence was subsequently made on 17 May, 1990. This was preceded by the setting up of the provincial military command system, Me'ekamui Intelligence Organisation, and BRA Police. Even much earlier, the BRA leadership had not wasted any time in establishing an international support network to organise international travel, financial and banking arrangements and purchase of military equipment. An estimated amount of over K60,000 (approximately US$55,290) was taken out of the North Solomons Provincial Government Fund followed by a further attempt to transfer the rest of the provincial fund to a private trust account.

Expansion of the BRA influence to the Atolls also occurred immediately after the Security Forces' withdrawal, with the selection of Nissan as the point of expansion to other islands. This expansion to the Atolls by the BRA was made possible by the absence of Maritime Surveillance which at that time was consistent with the cease-fire conditions.

Since the Security Forces commenced their operations in North Solomons, the rebels have been engaged in a wave of violence deliberately designed to sabotage National Government's efforts to restore peace and normalcy to the province. It has been very much part of the rebel's strategy to conduct such violence against innocent civilians to instil fear and uncertainty amongst the local population. Hence to forcefully secure the political compliance of the local population base.

Despite tremendous pressure from the local chiefs and those concerned, it is evident that the remaining rebel elements are determined to pursue such violent intentions against the local people.

Hence innocent citizens would continue to be unfortunate victims of atrocities and serious human rights violations being committed by the BRA.

D. LIST OF ISSUES SPECIFICALLY MENTIONED IN UN COMMISSION ON HUMAN RIGHTS RESOLUTIONS AND SECRETARY-GENERAL'S REPORT:

Whilst it should be noted that Chapter E of this Report entitled "Current National Government Policy Strategy", does provide adequate response/explanations to allegations made and actions taken by the Papua New Guinea National Government, the intention of this chapter is to answer to specific allegations and issues raised and reported in Commission on Human Rights Resolutions 1993/76 and 1994/81 and the Secretary-General's Report contained in document E/CN.4/1994/60.

1. Resolution 1994/81

In response to operative paragraphs 1,2,3 and 4 of Resolution 1994/81, the PNG Government has utilised every opportunity and approach including the recent talks held in June, 1994 in Honiara, Solomon Islands to meet and negotiate peace with various groups, including the BRA. Most notable of these are the following:-

(a) Improvement of the Standard of Infrastructure and Services to Landowners in the area of Panguna Mine (NEC Decision No. NG 31/88 of 15th December, 1988).

- establishment of Government presence at Panguna;
- extend power distribution to villages around Panguna;
- upgrading of health facilities in the Mine Lease Area; and
- upgrading of community school facilities.

(b) Call Out of Defence Force to assist the Police in its Special Operations including the invocation of the Curfew (NEC Decision 104 88 of 7th December, 1988 and NG. 128/88 of 8th December, 1988).

- The Call-Out Order of the Papua New Guinea Defence Force was made under Section 204 of the Constitution to assist the civilian authority (Police) in the restoration of public order and security in the North Solomons Province with effect from 7th December, 1988 until such time the situation improves.

(c) Special Committee headed by Sir John Kaputin (NEC Decision No. 78/89 of 12th April, 1989) to investigate and make recommendations on the current situation in the North Solomons Province.

(d) Mining Package (NEC Decision NO. 154/89 of 16th August, 1989):-

- a package of benefits offered to the landowners of the mine lease areas and the North Solomons Provincial Government.

(e) Joint Declaration for Peace and Reconciliation between the National Government, North Solomons Provincial Government, Churches, Landowner Representative and BRA Executive signed on 30th November, 1989 by which all parties acknowledged and accept the Churches initiative to enhance peace and reconciliation in the North Solomons Province. It must be noted that this Declaration was never signed by BRA representatives.

(f) Agreements to End Hostilities on Bougainville. The Security Forces of PNG and the BRA agreed to a cease-fire on 1st March, 1990 and signed by both Col. Leo Nuia CBE, Deputy Controller of Bougainville State of Emergency and Samuel Kauona, Commander of BRA.

The signing of the Cease-Fire Agreement by the National Government with the BRA leadership was on the part of the National Government, a particularly courageous act, based on trust and goodwill towards the people of Bougainville Province. This commitment was consistent with the underlying key principle that, as much as possible, peaceful avenues to resolve the crisis on Bougainville must be pursued.

Let there be no doubt that, throughout the process of devising the Cease-Fire Agreement which entailed the withdrawal of the Security Forces, in January - February, 1990 period, the BRA leadership was fully aware of the National Government's objectives.

That is, the cease-fire when mutually agreed upon, would itself be the condition for both the National Government and the BRA including people of Bougainville Province, to peacefully sit together and mutually discuss means to achieve peace and reconciliation on Bougainville.

The BRA leadership accordingly responded with formal guarantee that, absence of the Security Forces would not be capitalised on to seize power from the Provincial Government. Further assurances were made that law and order would be maintained by both the BRA and the churches, and that control of the various BRA groups would be exercised by the BRA leadership.

These assurances were never complied with by the BRA as after the withdrawal of the Security Forces in mid March, 1990, the Province was under complete anarchy.

(g) Endeavour Accord of 5th August, 1990.

As a result of adverse development, it was difficult for the National Government to secure an agreement with the BRA leadership to hold peace negotiations at the early stage. Eventually, following establishment of dialogue, negotiations were held with the signing of the Endeavour Accord on 5 August 1990. From the point of view of the National Government, the Endeavour Accord was crucial in establishing dialogue with the BRA and to secure a condition conducive to exploring long term peace and reconciliation on Bougainville.

The Endeavour Accord stipulated the return of goods and services to the North Solomons Province. In honouring this agreement, the National Government implemented its strategy of Restoration, Rehabilitation and Reconciliation (3Rs) which was launched on 24 August, 1990. The objective of the 3Rs strategy is to distribute services throughout the Province.

Unfortunately, the joint government team was opposed at Buka. The BRA leadership demanded that goods had to be cleared through Kieta and called for the withdrawal of the Security Forces. Shortly thereafter, on the invitation of the Buka community leaders, the National Government ordered the redeployment of the Security Forces to Buka to facilitate the restoration of services. On 31 August, 1990, the Security Forces made a forced landing on the northern tip of Buka.

(h) Malagan Accord of 5th October, 1990.

The Malagan Accord signed between the leaders of Buka and the National Government in which the Buka leaders denounced the secessionist struggle and invited the Security Forces presence on Buka Island.

(i) Honiara Declaration of 23 January, 1991.

The Honiara Declaration endorsed restoration of services and called for improved dialogue for a negotiated settlement to return to peace and normalcy on Bougainville.

(j) Establishment of the Peace Negotiating Team for North Solomons Province on the 23rd September, 1993, under the Chairmanship of the Minister for State, Responsible for Bougainville Affairs. This Peace Negotiating Team had memberships comprising of Chairmen of all Interim Authorities, Members of National Parliament from the Province; and the Minister for Village Services and Provincial Affairs.

(k) Under the initiative of Sir Julius Chan, the then Deputy Prime Minister and Minister for Foreign Affairs and Trade and now the Prime Minister restart on negotiations began in June, 1994 led to the signing of the Minutes of Agreement of Tambea Resort, on the 27th August, 1994 (Annex A).

The Tambea Minutes of Agreement set out the Agenda and the framework for a peace settlement package which includes amongst others, compensation and exiling of hardcore BRA elements.

(l) Following the Tambea Minutes of Agreement, the Prime Minister then met with Mr Sam Kauona in Honiara on 2nd and 3rd September 1994 to negotiate the Honiara Commitments to Peace on Bougainville.

The Commitments which was signed at Honiara on 3rd September, 1994 between the Prime Minister of Papua New Guinea and the various representatives of the Rebel Groups headed by Mr Sam Kauona, the Commander of BRA, (Annex B) amongst others agreed and Peace was immediately declared on the 3rd day of September 1994. The South Pacific Peace Keeping Force is now being deployed to Bougainville and the official lifting of the blockade would be implemented from week commencing 3rd October 1994.

The agreed Bougainville Peace Conference will be convened at a place in Arawa, Bougainville no later than 10th October 1994.

(m) Following the Honiara commitments, a Papua New Guinea delegation led by the Secretary of Foreign Affairs & Trade, Mr Gabriel Dusava, met with Mr Sam Kauona and BRA representatives to conclude the Ceasefire Agreement from 7th to 8th September 1994 in Honiara.

The Ceasefire Agreement (Annex C) amongst others covers details of the South Pacific Peace Keeping Force which consists of Australia, Tonga, Fiji and Vanuatu and legal and operational issues such as the Status of Forces Agreement, and the establishment of committees to assist with the deployment of these forces.

Under the Ceasefire Agreement there is also a requirement by both the BRA and the Papua New Guinea Defence Force to maintain static position. Thus far, there has been no deliberate breach of that requirement.

Consultations have now resulted in agreement on all conditions for the deployment of the PKF and the terms of the Status of Forces Agreement. The Agreement is expected to be signed before the Forces enter Papua New Guinea on 3rd October 1994.

Additional to the preceeding highlights of major activities carried out in relation to the Bougainville Peace Process, there has also been regular visits by Australian and other Diplomatic Missions stationed in Papua New Guinea including the following:

Australian Parliamentary Delegation visit to Bougainville from 18-22 April, 1994.

The decision by the PNG Government to invite the Australian Parliamentary Delegation to visit Bougainville h[B opened the door for similar groups of other neighbouring countries to do the same.

The Delegation has confirmed the present PNG Government Policy and Strategies under Chapter E as one of confidence building, restoration and rehabilitation rather than the pursuit of military options.

Visit by Crown Prince of Tonga.

Visit by the Crown Prince of Tonga also shows that PNG Government is willing to accommodate whatever views and contributions the neighbouring countries can offer in resolving the Bougainville Crisis.

Visit by UN Secretary-General's Representative

A visit to Papua New Guinea from 8th to 12 July, 1994 was carried out Mr. Francesc Vendrell, Director, Department of Political Affairs UN Headquarters, which included a visit to Buka on the 10th July. His visit was to find out what forms of assistance Papua New Guinea required from the UN in relation to paragraph 7 of UN Commission on Human Rights Resolution 1994/81. Additionally, to find out what progress has taken place in relation to peace negotiations between the Government and BRA.

The Government is not aware of the contents of Mr. Vendrell's Report to the United Nations Secretary General.

2. Report of the Secretary-General (E/CN.4/1994/60)

It should be noted that Papua New Guinea is party to the following principal international human rights instruments:-

(a) International Convention on the Elimination of All Forms of Racial Discrimination.

(b) Convention on the Prevention and Punishment of the Crime of Genocide.

(c) Convention on the Rights of the Child.

(d) Convention on the Political Rights of Women.

(e) Convention relating to the Status of Refugees.

(f) Protocol relating to the Status of Refugees.

In response to the above stated report, the following is provided by the Papua New Guinea Government:-

(a) Report to the Committee of the Elimination of Racial Discrimination.

Whilst Papua New Guinea notes that it has been party to this Convention since 1982 and is required to provide a report each year, it should be noted that progress is underway on a draft report with the assistance of the Centre for Human Rights.

(b) Report to the Committee on the Rights of the Child.

Papua New Guinea as is noted in this report ratified the Convention on 1st March 1993 and under Convention procedures is not required to provide a report until 1995.

(c) Report to the Special Rapporteur on extra judicial, summary or arbitrary executions.

On the appeal for information by the Special Rapporteur in May 21 1993, the Government of Papua New Guinea regarding Messers Ken Savia, Toromura and Gabriel Tameung, the following is provided:-

i) Mr Ismael Toromura, was wounded in a Security Force's raid on Bougainville Revolutionary Army (BRA) known camp at Teopasino Village in Tinputz area in 1992. He was taken to Honiara for medical treatment by his comrades. He is believed to be still living in Honiara today:

ii) Mr Ken Savia, was a former PTC employee who was responsible for all BRA communication networks on the Island. He was also appointed as Minister for Communication by Mr. Francis Ona in the illegal Meekamui Government after the Unilateral Declaration of Independence for Bougainville. He later became a radio announcer with the Radio Free Bougainville in Kieta, spreading BRA propagandas which earned him the nickname "Black Beauty". After the re-capture of Arawa town he was among the people evacuated from Arawa on 15th February, 1993 to Wakunai. He was last seen with resistance groups on 16th February, 1993 at Wakunai; and

iii) Mr Gabriel Tameung, was not killed by the Security Force as alleged, in fact his whereabouts is not confirmed. However, BRA is known for the ruthless execution of innocent civilians and National Government supporters, and hence, being from Kieta area, Mr. Tameung is believed to be in Kieta area, probably held as hostage or killed by the BRA.

The Government categorically denies as reported allegations by BRA of the general nature by the Special Rapporteur on 29th July 1993 concerning large scale human rights violations relating to the arrests of suspected members of BRA, shelling and strafing of civilians by PNG Military Forces and allegations of killings in Government Controlled Care Centres. These are all unfounded and baseless.

(d) Advisory Services and Technical Assistance from UN Centre for Human Rights

Since the establishment of co-operation between the Government of Papua New Guinea and the UN Centre for Human Rights in 1993, a draft proposal on a Technial Co-operation Programme has been forwarded to the Government for its consideration.

The proposal is intended for the provision of experts by the Centre to assist the Government in the following:-

i) Arrangement of a National Workshop for the establishment of the PNG National Human Rights Commission;

ii) Assistance in finalising the report to the Committee of Elimination of Racial Discrimination; and

iii) Training of Law Enforcement Officers in human rights issues.

Progress has been made with the Department of Attorney-Generals taking a lead role in all of the above. It is planned that a National Workshop will be held later this year.

(e) Amnesty International

In response to this Organisation's report which was published in October, 1993, the Government of Papua New Guinea wishes to record that there have been atrocities committed on both sides during the entire period of the Bougainville Crisis.

There have been occurances of human rights violations involving both our Forces and the BRA, in the conflict. Most civilians affected have been caught in the exchange of fire, relocations of large populations for safety and security. There have been no cases of rape, sexual abuse, torture nor executions in Care Centres.

It should also be noted that throughout the armed conflict, constitutional, judicial and other safe guards for the protection of human rights in Papua New Guinea have been observed by the Government and it's Security Forces.

In respect to concerns over an alleged embargo/restrictions to the island, it must be made clear that these were to secure the safety of personnel travelling to the island perime. These restrictions will be lifted week commencing 3rd October 1994.

(f) Medecins Sans Frontieres

In response to the open letter of 11th November 1993, from the above mentioned organisation, as was explained in detail in the preceding paragraphs, there has been no blockade of the island as alleged but rather a concern for the safety of the personnel of that organisation which prevented the Papua New Guinea Defence Force from allowing access by it.

While the Government cannot fully assess the loss of lives that have occured in the past 3 or 4 years due to the lack of preventive and curative medicines in areas unsecured by the PNGDF, it should be noted that throughout the crisis, convoys of medical teams and others have been ambushed and attacked by BRA elements resulting in the loss of those medical provisions and lives.

(g) Other non-governmental sources

The Papua New Guinea Government regrets that an august body such as the United Nations including the Secretary General would consider reports from individuals like Rosemary Gillespie, an Australian "barrister" as being reliable. As far as facts go and as far as the Government is concerned Gillespie is a mentally unstable person and a trouble maker who has gained on a number of occassions illegal entry into Papua New Guinea and does not represent the real interests and concerns of the Bougainville people.

Ms Gillespie has on previous other occasions been expelled by other Governments of the region for inciting anti-government propaganda.

She has from time to time fabricated information in the process and created unnecessary anxieties in the minds of Bougainvilleans.

Hence the Government does not recognise her contribution to the Secretary-General's report and will reserve the right not to respond to her allegations.

The Bougainville situation is an internal matter exclusively for the Government of Papua New Guinea.

Any external interference in what is essentially an internal matter has no legitimacy whatsoever. Such interference infringes upon the sovereign and territorial integrity of Papua New Guinea.

The people of Bougainville are not any different from those in other parts of Papua New Guinea. Papua New Guinean is an indigenous person and as such Bougainvilleans have no special claim to that category of people.

The very state of Papua New Guinea is an integration of hundreds of different tribes. Our unity is in diversity. It is not the United Nations role to disunite and disintegrate nations because one tribe wants to go its own.

There is no ground whatsoever to differentiate the people of Bougainville from the rest of Papua New Guinea claiming minority status, difference in language, culture and even on historical ground. Neither is there a case for claiming self-determination process because North Solomons Province is part of Papua New Guinea and is therefore not under foreign domination or occupation.

Those who feel obliged to comment on the Bougainville situation have either ulterior motives or have ill-conceived ideas that Papua New Guinea Government is hell-bent on violating human rights on Bougainville.

Papua New Guinea has an enviable Parliamentary Democracy. Basic human rights of a person is guaranteed by the National Constitution and any violations of those rights can be redressed through the court of law.

The Papua New Guinea Government has to put up with outlandish and sensational media campaigns. Not knowing the actual situation on Bougainville and the Government's position on the Crisis, one is bound to get distorted views when newspapers run headlines like "Blood Hot in Bougainville" by the Sydney Morning Herald; "The Forces Tearing at Bougainville" by the Melbourne Age; "Dirty Struggle at our Doorstep" by the Sun Brisbane. Some insulting ones also find their way into the press such as "Mayhem in Papua New Guinea as Dogs Unleashed" declared by the Weekend Australian of 27th January, 1990, and other such sensationalism by various papers contribute towards fostering a totally distorted view of the actual situation.

The news media, NGOs, individuals and indeed Governments have important role to play in ensuring the promotion and preservation of human rights throughout the world without any bias. When that important role is abused by some for ulterior motives then the integrity and honesty necessary in pursuit of genuine human rights endeavours suffer serious setbacks.

The rebel element is drawing undue moral support from irresponsible international publicity especially in the countries of the South Pacific Region. The reports are usually based on dubious sources and sometimes conceived for newspaper sale promotions.

Papua New Guinea is seriously concerned and disappointed by individuals, NGOs and even countries as far flung as in Africa who choose to fly Human Rights flags for downright selfish reasons. Individuals, organisations and any Government which succumb to such practice should be condemned for their behaviour, misrepresentation and deceit.

E. CURRENT NATIONAL GOVERNMENT POLICY AND STRATEGY ON BOUGAINVILLE:

1. Policy

The overall PNG National Government Policy on Bougainville Crisis is set out in the NEC Decision No 111/89 of 7 July, 1989. In addition to this, subsequent pronouncements by Prime Ministers and various Ministers have articulated and refined this policy which entails the following:-

1.1 Bougainville is an integral part of the Independent Sovereign State of PNG. As such, any political relationship with the Province, is to be determined within the Constitutional Laws of Papua New Guinea: Secession is non-negotiable.

1.2 Bougainville Crisis is an internal domestic matter and its handling and the finding of an acceptable resolution remains the prerogative and domain of the Papua New Guinea Government;

1.3 All lawful and constitutional bodies of the State are to assist in bringing about normalcy to the Province of Bougainville.

1.4 Any spill-over effects into neighbouring independent nations shall be discussed and settled through standing international protocol, which gives effect to the deservance and maintenance of the respective nation's sovereignty and identity.

1.5 In the interest and respect of the regional and international peace, security and stability, Papua New Guinea Government will provide regular information briefs, to organisations of which she is a member.

2. Strategy

In order that the overall national policy remain intact, the National Executive Council as per its Decision No. 112/90 of 27 June 1990 adopted a broad strategy framework as Restoration, Rehabilitation and Reconciliation (3Rs). The details of the respective components of the Strategy are:

2.1 Restoration

To restore PNG Constitutional Authority and essential services to the people of Bougainville.

2.2 Rehabilitation

To rehabilitate affected and displaced people of the North Solomons (Bougainville) Province for smooth transition for resettlement back into the villages and community life.

2.3 Reconciliation

To establish peaceful dialogue between the National Government and the people of North Solomons Province and between the conflicting parties in the Province.

F. DEPLOYMENT OF PNG SECURITY FORCES:

The Security Forces play a major role in the implementation of the National Government Strategy to first restore Peace and Order on Bougainville and secondly to restore service to its people.

The deployment of the Security Forces and in particular the Papua New Guinea Defence Force to Bougainville was made under the provision of Section 204 of the Constitution and relevant sections in the Defence Act to assist the Civil Authority (Police) in the restoration of law and order and security untill such time the situation improves.

This is the fundamental objective pursued by the Government and thus the delivery of basic items such as food, clothing, medicine, etc obviously requires protection of the service personnel and the supplies. Already there has been a successful programme of restoration of services to of the Province.

The presence of the Security Forces on Bougainville is in line with the Government objective as well as through the invitation of the chiefs and their people who also need protection from rebel attacks.

The Security Forces have contributed significantly to establishing Government control in almost all parts of Bougainville.

The presence of Security Forces had and is continuing to contribute to the speedy and consistent restoration of services to the whole of Bougainville. Through this intensive programme for restoration of services, the people of Bougainville can re-establish their trust and confidence on the efforts of the Government to bring about an amicable solution to the whole crisis.

G. RESTORATION OF SERVICES

The main principle strategy for the restoration of law and order and services in the Province is based on the Malagan Accord which calls on Security Forces to work with local chiefs/leaders from the Province. In such cases, prior request for the Security Forces to move into local areas must be all made by the local chiefs/leaders.

This strategy has so far worked successfully, resulting in many hundreds of villagers running away and seeking refuge with the Security Forces. Relationship between the community and Security Forces has greatly improved and as a result the Security Forces are getting alot of support from the local community.

Recent positive developments in Central and South Bougainville indicate that the remaining 5% of the population will come under the authority of the National Government by the end of the year. The growing numbers of people coming out of the uncontrolled areas in search of a better life is an indication that people want peace.

1. Political Structure

1.1 Interim Authorities

Whilst the North Solomons Provincial Government remains under the Suspension, and as part of the restoration of services, the Interim Political Authorities have been established. There are now a total of eight (8) such Authorities in the Province namely; Atolls, Buka, North West, North East, Bana, South West, Central and Telei.

1.2 Council of Chiefs

The Council of Chiefs has been formally recognised by NEC (Cabinet) specifically to accommodate the Bougainville situation thus encompassing the populist view amongst the people regarding the institution of Council of Chiefs System.

In late 1992, there was alot of pressure from all sectors of the Province to legally establish the Council of Chiefs. This pressure has been felt and acknowledged by the Administration on the ground.

The involvement of the chiefs during the crisis has proven that the Council of Chiefs is a very powerful institution in the Province.

2. Administration

The North Solomons Administration is currently headed by the Administrator, Mr. Sam Tulo who also is the Provincial Secretary. Whilst Arawa is still being cleared, Buka is now the temporary headquarters of the Province.

District Administrative Units have been re-established on all Interim Authority Areas. Because of the security situation, areas of Bougainville are gradually coming under Government control progressively as services and the administration of the province are being restored progressively.

3. Progress of Restoration by Interim Authorities

3.1 Buka and the Atolls

Buka and the Atolls are safe with life now back to normal. People are completely free to move around at all times, and economic activities have reactivated and rejuvenated. All schools and health centres have been re-opened.

Buka is now the Interim Provincial Headquarters for Bougainville until such a time when it would be practically safe for the Provincial Administration to be re-established in Arawa.

Buka people chose to eradicate BRA, and they have done so genuinely and co-operatively at all levels of leadership in the communities.

3.2 North East (Tinputz & Wakunai)

North East District have been secured and is now under government control. Schools have been reopened as well as health outlets.

Economic activities in the district have been reactivated at a much lower level as there are remnant of BRA in the district who have not yet surrendered to government authorities. This rebel remnant are armed, and therefore regarded as dangerous, although reported to be living quietly in their villages.

Roads are being upgraded.

It will take some time yet before the area is completely free although now people are quite free to move around. The existence of rebel remnant in the area, particularly ones named Allster and Alphonse who are armed with automatic rifles will continue to pose threats thus creating fear amongst the people.

3.3 North West (Selau, Suir, Soroken, Hahon, Kunua, Kareaka, Torokina)

This is a large district in landmass with low population of approximately 18,000 people.

Most schools and health outlets have been reopened particularly in Selau and Saposa and Taiof Islands.

Free movement are observed between Soroken and Kunua.

Kunua/Keriaka are still areas being closely monitored by troops deployed into the area. To track down rebel remnant or rascal elements causing problems to civilians there.

Selau is normal and economic activities have taken place in the area at Bonis or maintained adjacent to Buka Town across the Buka Passage.

It will take sometime yet before the whole district is declared safe.

3.4 South Bougainville (Siwai, Nagovis and Buin)

About 80% of this area is now under government control with troops located at Buin, Tabado, Piano, Tonu, Kangu and now Boku.

Some economic activities have re-started in the area, particularly so in Siwai where cocoa have been airfreighted to Buka and some trade stores reopened.

The chiefs with assistance by the Resistant area co-operatively working with troops and have accordingly enhanced advancement by troops into Boku.

Buin District needed strong, determined and genuine leadership. At the moment this is lacking and there is suspicion in the troops of behaviour of leaders in the district.

The recent burning of a staff room of Buin High School again poses doubts and suspicion as to whether the chiefs and leaders of Buin area genuine in restoring government services.

3.5 Central

Most parts of Central Bougainville is still not safe for basic services to be restored. This is evidenced by the number of schools and health services that have been reopened.

Although some roads have been reopened, they are not immediately accessible due to security reasons.

However, despite all that, work is progressing well into areas where the Security Forces are currently present.

Kieta Wharf is currently undergoing repairs and a major clean-up of Arawa Township is progressing.

Arawa is the site of the Peace conference set for 10 October, 1994.

Economic Activities are gradually being activated.

3.6 Telei

Telei (South Bougainville) Interim Authority has been experiencing some disruption to the restoration of services from the BRA. Although most Sub-Health Centres are opened, people have been reluctant to use them for fear of being harassed by the BRA.

Buin High School is temporarily closed.

Economic and social activities should now pick up momentum following the ceasefire.

3.7 Bana Interim Authority

This is a new Interim Authority. Restoration of Services in this area is progressing but there are still difficulties in having access into the area as the roads are still being upgraded.

Economic activities are slow but again the ceasefire arrangements are bound to help improve the situation.

4. Care Centres

Care Centres have been established as temporary homes for displaced individuals and families who have been either cleared from the areas of military operations or fled from the Bougainville Revolutionary Army captivity or harrassement.

There are thirty four (34) care centres all located on mainland Bougainville. Approximately 66,860 (as of 23 September 1994) people live in them. More people come out every week from newly secured areas in Central and South Bougainville.

The Government is responsible for the care centres in terms of security, basic human needs (ie. food, shelter and clothing) and health services.

Transport accessibility to care centres located in inland Bougainville is only by helicopter. Basic needs for those care centres are often delayed because of the transport factor and security.

The Government is still committed towards displaced families in the care centres and is doing the best it can to protect, feed and cloth them despite BRA's campaign to disrupt peace through its acts of violence directed towards the inhabitants of care centres.

Almost 1600 people from Care Centres have returned to their villages in the Kuraio, Kunua and Sovele areas. In long established Care Centres, people are being assisted and encouraged to make gardens thus making them less dependent on handouts from the government.

More should return to their homes during the ceasefire period.

H. CONCLUSION

The human rights violations alleged in the report on Bougainville, indicates that both the BRA and the Security Forces were to be equally blamed as it appears at present the reports have yet to be susstantiated on both sides. Until such a time the security situation on the ground improves in the Province, these reports will remain uncomfirmed. Ostensibly when the whole Province returns to normalcy, as part of the reconciliation process, a detailed report would have to be made on these allegations. It must also be worth noting that in any armed conflict despite the ferocity of it, people do get killed and properties damaged. In this case the Bougainville crisis is no different to those going on in other countries.

The National Government is taking positive steps towards establishing an office in Bougainville manned by officers from the Civil Police and the Attorney General's Office to register and address Human Rights abuse issues in the Province. This office would be the main source of information on Human Rights violation issues, when the Province returns to complete normalcy.

In conclusion, the Bougainville crisis remains an internal matter, but with regional and international dimensions created primarily by the BRA and its propagandists, for the Papua New Guinea National Government to move within the framework of the National Constitution, other laws and policies of Government.

The Bougainville Province, like all other provinces of PNG has certain distinct cultural and geographical peculiarities, but in an integral part of a nation assembled together through history, negotiations and by the people through the Constituent Assembly prior to Independence. It is a nation in Indiversity. Its strength lies in this factor. Any separation of one of its Provinces through the United Nations or other forum will signal the disintegration of Papua New Guinea. That is not the role of United Nations and its various organs/agencies.

The Government has demonstrated care, sensitivity and responsibility. The current peace process demonstrates this.

The human rights allegations are therefore exaggerated, fabricated and biased. Whatever violation might have taken place would have been committed by both the BRA and Security Forces. It is a fact that the violation by the BRA far exceed the number, the degree and the wantoness of the Disciplined Forces of the Army and the Police of the State.

The presence of the Security Forces on Bougainville is on Invitation by the people and is in any case an exercise of Constitutional Role and responsibility to protect PNG's sovereignty, territorial intergrity and unity.

The bilateral relation with Solomon Islands is in excellent shape with Honiara playing significant facilitating role in the current Peace Process on Bougainville.

ANNEX A

THE TAMBEA MINUTES

OF

AGREEMENT

27TH AUGUST 1994

A N N E X : A

THE TAMBEA RECORD OF THE TALKS BETWEEN OFFICIALS OF THE NATIONAL GOVERNMENT OF PAPUA NEW GUINEA AND THE BOUGAINVILLE REVOLUTIONARY ARMY AND THE ORGANISATION KNOWN AS THE BOUGAINVILLE INTERIM GOVERNMENT, 26-27 AUGUST, 1994, TAMBEA, SOLOMON ISLANDS

Introduction

1. *Further to the agreed record signed between representatives of the organisation called, the "Bougainville Interim Government" ("Big") and representatives of other Bougainville Peace groups and Senior Officials of the National Government of Papua New Guinea on 11 June, 1994 in Honiara in pursuit of a Negotiated Peace/Settlement to the Bougainville Crisis, a delegation of the National Government led by Mr Brown Bai, CBE, held broad ranging talks with a delegation from the organisation known as the Bougainville Interim Government and the BRA led by Mr Sam Kauona from 26-27 August 1994 at Tambea, outside Honiara, Solomon Islands.*

List of participants

2. *This is appended as Attachment 1.*

Chairman/Convenor

3. *The Honourable Francis Saemala, Deputy Prime Minister and Minister for Foreign Affairs of Solomon Islands, as the convenor, chaired the meeting.*

Opening of the Meeting

4. *The Chairman opened the meeting with a prayer. In his opening remarks the Chairman welcomed the two delegations to Honiara. He especially thanked Mr Sam Kauona for making himself available to attend the meeting and hoped that the arrangements made for his delegation were sufficient. The Chairman also thanked the PNG Delegation for responding quickly to the call to attend the meeting especially the PNG High Commissioner, Mr Joseph Assaigo, who had been active in coordinating the attendance of the PNG delegation. The Chairman went on to emphasize the importance of the meeting as a constructive move towards paving the way for peace on Bougainville.*

5. *The Chairman proposed to the delegations that the main objectives of the meeting should be to:*

   (a) *resume the dialogue that was suspended on 19th June and*

   (b) *agree on the stages that would constitute this dialogue for the road to peace in Bougainville.*

This proposal was adopted.

6. *The following stages were agreed for the continuing consultative process:*

Stage I	*The consultative meeting between the Deputy Prime Minister and Minister for Foreign Affairs of Solomon Islands and Mr Sam Kauona on 23rd August.*
Stage II	*The High Level Consultative meeting between PNG Senior officials and the Commander of the BRA and the representatives of the organisation known as the Bougainville Interim Government.*
Stage III	*Ministerial meeting to be held on 2nd September in Solomon Islands.*
Stage IV	*The Bougainville Peace Conference to be held in Bougainville.*

The Chairman's Statement is appended as Attachment II.

7. *Both delegations acknowledged with thanks the continuing assistance and facilitating role of the Solomon Islands Government in the Bougainville peace process.*

8. *The PNG delegation assured the meeting that they had the full mandate of their Government to negotiate as quickly as possible for the peaceful settlement of the Bougainville conflict. Since the last meeting the PNG government has instructed its officials to pursue discussion with the higher level of the BRA and the organisation known as the Bougainville Interim Government. Their attendance at this Meeting was in compliance with that instruction. PNG therefore did not renege on the agreements reached in the meeting held in Honiara on June 4 and 11, 1994 but waited for this opportunity.*

9. *The BRA and the organisation known as the Bougainville Interim Government representatives also assured the meeting that they had the full mandate and were firmly committed to restoring peace on Bougainville. The primary issue as far as they are concerned is peace and not political matters.*

10. *The written statements made by the BRA and the organisation known as the Bougainville Interim Government are appended as Attachments III and IV respectively.*

Adjournment of the Meeting

11. *The Chairman adjourned the meeting to allow for further consultation on both sides.*

Resumption of Meeting

12. *The Meeting resumed with the Chairman presenting strings of shell money to the members of both delegations.*

13. *The two sides expressed their gratitude to the Chairman's timely gesture of Melanesian goodwill and noted the significance of shell money in resolving conflicts in Melanesia.*

14. *The Meeting agreed that the Ministerial Meeting be held on Friday 2nd September, 1994 in Solomon Islands.*

15. *The Meeting agreed that the Bougainville Revolutionary Army and the organisation known as the Bougainville Interim Government would meet with the Chairmen of the Bougainville Interim Legal Authorities before the Ministerial meeting.*

16. *The Delegations agreed on the following items for the agenda of the Ministerial Meeting:-*

(i)	*Immediate ceasefire and formal declaration of peace*
(ii)	*Introduction of the South Pacific Peace keeping force.*
(iii)	*Official lifting of the blockade*
(iv)	*Pardon, Amnesty and Temporary Refuge*
(v)	*Reconciliation and compensation*
(vi)	*Restoration and Reconstruction*
(vii)	*Agenda for Bougainville Peace Conference.*
(viii)	*Other issues*

17. *Both sides agreed that the agenda for the Ministerial meeting was not exhaustive but may include matters that may be raised at the meeting between the Bougainville Revolutionary Army and the Organisation known as the Bougainville Interim Government and the Chairmen of the Bougainville Interim Legal Authorities.*

Close of the Meeting

18. *The two sides expressed their satisfaction with the outcome of the meeting and thanked the Chairman for convening the meeting.*

19. *The Chairman thanked both delegations for their frank and constructive dialogue and assured them of Solomon Islands genuine commitment to the peace process in Bougainville.*

20. Both agreed that this Record shall constitute a binding understanding between them.

Signed at Tambea this 27th day of August 1994.

Brown Bai CBE
Secretary to
Prime Minister and Cabinet
Prime Minister's Office
PAPUA NEW GUINEA

General Sam Kauona
Commander of the Bougainville
Revolutionary Army

Gabriel Ducava
Secretary for Foreign Affairs
and Trade
PAPUA NEW GUINEA

Martin Miriori
Representative of the
Organization known as
the Bougainville Interim
Government

Honourable Francis J. Saemala
Convenor
Deputy Prime Minister and Minister for Foreign Affairs
SOLOMON ISLANDS

ANNEX: B

THE

HONIARA

COMMITMENTS

3RD SEPTEMBER, 1994

A N N E X : B

THE HONIARA COMMITMENTS TO PEACE ON BOUGAINVILLE AS AGREED BY THE RT. HONOURABLE SIR JULIUS CHAN, PRIME MINISTER OF PAPUA NEW GUINEA AND MR SAM KAUONA THE COMMANDER OF THE BOUGAINVILLE REVOLUTIONARY ARMY ON 3RD SEPTEMBER 1994

The Prime Minister of Papua New Guinea, The Rt. Honourable Sir Julius Chan and the Commander of the Bougainville Revolutionary Army, Mr Sam Kauona having met in Honiara, Solomon Islands on 2nd and 3rd September 1994, and;

- NOTING with deep gratitude and appreciation, the Record of the Tambea Talks between senior officials of the Papua New Guinea Government and Mr Sam Kauona held on 26 and 27 August 1994 and which submitted the Agenda for this meeting;

- TAKING into account the conditions of hardship and suffering experienced so far by the people of Bougainville and Papua New Guinea during the period of the conflict;

- ACKNOWLEDGING the progress made so far by both sides in their individual and collective efforts towards the peace process on Bougainville;

- RECOGNISING the important role of the Chairmen of the Bougainville Legal Interim Authorities as well as representatives of other Bougainville Groups and their meeting with Mr Sam Kauona and the Organisation known as the Bougainville Interim Government held in Honiara since Thursday 1st September 1994;

- RECOGNISING further the need to speed up the peace process by the convening of the Bougainville Peace Conference;

- FULLY acknowledging the goodwill of the Solomon Islands Government in its continuing efforts to facilitate dialogue for the peace process on Bougainville and especially in convening this meeting;

HAVE AGREED as follows:

1. That Peace is hereby declared immediately at Honiara on this Third day of September 1994 following which all forces will maintain static positions, and that Cease-fire shall be declared by both parties at a time and date to be agreed and announced within seven days of this Commitment.

2. That a South Pacific Peace Keeping Force will be deployed to Bougainville as soon as practicably possible after the declaration of ceasefire when the mechanisms and arrangements for the Force are finalised in consultations with participating governments and through consultation between the Commanders of the Forces of both sides.

3. The official lifting of the Blockade shall be implemented following consultations by the Papua New Guinea Government with Solomon Islands Government and a Third Party.

4. The questions of:-

i. Pardon, Amnesty and Temporary Refuge;

ii. Reconciliation and Compensation; and

iii. Restoration and Reconstruction

shall be addressed in the Agenda for the Bougainville Peace Conference.

5. The Bougainville Peace Conference shall be convened at a place in Bougainville or at another venue in Papua New Guinea on a date to be agreed by both parties, preferably such date shall be no later than 10th October, 1994.

Signed at Honiara on Saturday 3rd September 1994.

The Rt. Hon. Sir Julius Chan
Prime Minister of Papua New Guinea

Mr. Sam Kauona
Commander of the Bougainville Revolutionary Army

Mr Brown Bai
Senior Official

Philip Banas
Secretary to BRAGCO

Mr Thomas Anis
Legal Authorities

Martin Miriori
Representative of the Organisation known as the Bougainville Interim Government

The Hon. Francis Billy Hilly
Convenor and Chairman
Prime Minister of Solomon Islands

ANNEX C

THE CEASE FIRE

AGREEMENT

8TH SEPTEMBER 1994

A N N E X : C

CEASEFIRE AGREEMENT ON BOUGAINVILLE

The Papua New Guinea National Government and its Security Forces and the Bougainville Revolutionary Army (BRA) and the organisation known as the Bougainville Interim Government (BIG)

- In pursuance of the Honiara commitments for peace on Bougainville signed on 3 September 1994 by the Rt. Hon. Sir Julius Chan GCMG MP, Prime Minister of Papua New Guinea and Mr Sam Kauona, Commander of the BRA.

- Having agreed "that a Cease-fire shall be declared by both parties at a time and date to be agreed and announced within seven (7) days "

- Further agree as follows:

  (a) we hereby renounce the use of all armed forces for the resolution of the Bougainville crisis;

  (b) in order to ensure that all outstanding issues are resolved through peaceful means;

    (i) declare and honour an immediate ceasefire in Bougainville, to come into effect at 12.00 midnight on Friday 9 September, 1994, and

    (ii) cooperate in a Bougainville Peace Conference to define the basis of a lasting solution

1. We agree that a South Pacific Regional Peace-Keeping Force be invited to come to Bougainville in order to assist in:

   (a) supervising the ceasefire;

   (b) providing security for participants in the Bougainville Peace Conference, including their movement to and from the Conference site (Arawa); and

(c) performing such other functions as may be agreed to by the parties in accordance with provisions of the Implementation Instrument, including the supervision of disengagement, separation of personnel and the disarmament of parties to this Agreement.

(d) the functions of the South Pacific Peace-Keeping Force shall also include the monitoring and supervision of the appropriate withdrawal of the Security Forces still in place in the Neutral Zones upon the arrival of the Peace-Keeping Force.

2. (a) We agree and declare the following centres on Bougainville as neutral zones in which the South Pacific Regional Peace-Keeping Force will operate to perform the functions referred to in paragraph (1) above:

- Arawa
- Panguna
- Wakunai
- Buin

(b) Other Centres may be declared as Neutral Zones in consultations involving all Parties with the participating Governments.

3. The South Pacific Peace-Keeping Force will enter Bougainville at least seven (7) days before the Bougainville Peace Conference and remain and carry out their functions for the period of at least, fourteen (14) days, subject to further consultations involving all parties with participating Governments, and, other donors.

4 (a) We agree that the implementation of this Agreement must - and will - be a cooperative effort.

(b) The security of the neutral South Pacific Regional Peace -Keeping Force is hereby guaranteed.

The Ceasefire

5. At 12.00 midnight on Friday, 9 September 1994, the use of all weapons in Bougainville will cease.

6 (a) With the exception of the Neutral Zones, the Government will direct the security forces not to use weapons except in self -defence against unprovoked and or direct attacks. The Security Forces will however, protect themselves, other lives and properties of the State.

(b) The BRA and other Bougainvillean groups will direct their members to stop carrying or using arms.

7. (a) The Government will give the ceasefire the widest possible publicity through the mass media and other means.

(b) The BRA and other Bougainvillean groups will do their best to ensure that the ceasefire is widely publicised and obeyed.

8. (a) We will not seek, nor allow others, to take advantage of the ceasefire.

(b) We will cooperate in-

i) enforcing the ceasefire; and

ii) preventing disruption by criminal elements or other parties as outlined in the Implementation Instrument.

9. (a) Cooperation in maintaining the ceasefire will involve discussing and implementing the provisions of the Implementational Instrument including:

i) informing one another promptly of any apparent breaches;

ii) seeking to identify the person(s) or bodies responsible; and

iii) taking steps to prevent retaliation, repetition or escalation.

(b) Direct communication links will be established between the parties to assist in giving effect to (a) above.

(c) We recognise that cooperation may require ready identification and relocation of our own personnel to agreed areas.

10. (a) As soon as the ceasefire takes effect, all forces will remain where they are.

(b) We recognise that the there might be particular difficulties during the period between declaration of the ceasefire and arrival of the South Pacific Regional Peace Keeping Force, and agree to give special attention to the need for cooperation in trying to overcome them.

11. (a) We agree that all citizens shall be allowed to move freely on Bougainville from the date of the declaration of this Ceasefire.

(b) All foreign sea travellers to Papua New Guinea through Bougainville from Solomon Islands shall be cleared at Torato Island.

12. The undersigned agree to cooperate in giving effect to the contents of this Agreement including the provision of the Implementation Instruments of this Ceasefire.

13. The provisions of this Agreement shall be read in conjunction with Implementation Instruments for the Ceasefire.

14. The Deputy Prime Minister and Minister for Foreign Affairs of Solomon Islands, the Hon. Francis Seamala chaired the meetings to conclude this Ceasefire Agreement.

Signed, this 8th day of September 1994 at Honiara, Solomon Islands.

.....
SAM KAUONA
~~Commander~~ General
Bougainville Revolutionary Army

.....
DAVEY UGUL
Lieutenant Colonel
Director, Land Operations
PNG Defence Force

.....
MARTIN MIRIORI
Representative of the Organisation known as Bougainville Interim Government

.....
GABRIEL DUSAVA
Secretary,
Department of Foreign Affairs and Trade
Papua New Guinea

Witnessed by,

.....
THOMAS ANIS
Chairman
Bougainville Interim Authorities
Papua New Guinea

.....
FREDERICK SOAKI
Police Commissioner,
Solomon Islands

THE IMPLEMENTATION INSTRUMENT ON CEASEFIRE (HEREIN-AFTER REFERRED TO AS THE "INSTRUMENT") ON BOUGAINVILLE

This Instrument is part of the Ceasefire Agreement which was concluded and signed in Honiara by the parties on 8th September 1994.

1. PURPOSE

The objective of this Instrument is to provide the guiding principles and procedural framework which are necessary to implement the Ceasefire Agreement.

2. DEFINITION

For the purpose of this Instrument the following terms used herein shall be interpreted as follows:-

"Ceasefire" means a cessation of all hostile acts and armed operations between the parties to the Ceasefire Agreement.

"Hostile Acts" means all acts of violence, military, non-military, aerial attack, bombings, ambuscades, armed extortion, unlawful arrest and apprehension, arson, artillery shelling, coercion and threats towards civilian, extra-judicial killings, explosive mining, grenade throwing, hijacking of vessels and vehicles, kidnapping, liquidation and assassination, naval gun-fire, raids, sabotage, unlawful search, snipping, surveillance, tactical firing, mental and physical torture of any kind except as provided in Clauses 1, 2 and 6 of the Ceasefire Agreement.

"Peacekeeping" means the-

maintenance,

protection,

prevention,

monitoring

of human lives and destruction to properties, re-establishment of justice and good order, end of hostilities, demobilization, disarmament, disengagement and separation of all forces and includes illegal movement and incursion across international boundaries.

3. SAFEGUARDS

(a) The Papua New Guinea Government undertakes to arrest, disarm and seek appropriate legal sanction against any person under its authority who breach the terms of the Ceasefire Agreement.

(b) The Bougainville Revolution Army undertakes to arrest, disarm and seek appropriate legal sanction against any person under its authority who breach the terms of the Ceasefire Agreement.

(c) The Government judicial process against criminal activities shall continue during the period of the Ceasefire. However, nothing in this paragraph shall delimit or inhibit the right of parties to this Instrument to negotiate and implement new or restructured judicial processes with appropriate authorities.

4 IMPLEMENTATION

(a) This Instrument shall be implemented by all parties and in keeping with the Ceasefire Agreement.

(h) There shall be a Committee to be known as the Bougainville Ceasefire Committee The membership of the Committee shall be drawn from the following parties -

(i) one member from the organisation known as Bougainville Interim Government;

(ii) one member from the Government of Papua New Guinea;

(iii) two members from the Interim Legal Authorities;

(iv) one member from the Bougainville Revolutionary Army;

(v) one member from the Security Forces;

(vi) one member from the North Solomons (Bougainville) Administration; and

(vii) two Bougainville woman members

The Chairman of the Committee shall be the Commander of the South Pacific Peace Keeping Force.

5. OTHER FUNCTIONS OF THE SOUTH PACIFIC PEACE-KEEPING FORCE

Other functions and operational prerogatives of the South Pacific Regional Peacekeeping Force shall be determined through dialogue between the parties to

this Instrument and such South Pacific Governments as are willing to participate as Force Members.

6. FUNCTIONS OF BOUGAINVILLE CEASEFIRE COMMITTEE

(a) The Committee shall assist the South Pacific Peace Keeping Force to effectively perform its obligation and tasks under Clause 1 of the Ceasefire Agreement

(b) The Committee shall -

(i) monitor and supervise the implementation of the Ceasefire Agreement;

(ii) maintain regular dialogue with all parties;

(iii) liaise and cooperate with the South Pacific Peace Keeping Force to negotiate and draw up guidelines for the establishment and operations of Local Ceasefire Committees;

(iv) to establish guidelines for the effective laying down of arms, surrender and future use of arms;

(v) accept and investigate complaints from aggrieved persons, civilian or otherwise;

(vi) adjudicate on such complaints coming before it and to refer such decisions to the Bougainville Ceasefire Review Board.

(c) The Local Ceasefire Committees mentioned in Clause 6(b) (iii) above shall consist of five (5) members as follows:

(i) a Chairman to be appointed by the Bougainville Ceasefire Committee;

(ii) one member from the Bougainville Revolutionary Army;

(iii) two members from the Local Area appointed by the Bougainville Ceasefire Committee.

(d) The powers and functions of the Local Area Committees are as determined by the guidelines established by the Bougainville Ceasefire Committee consistent with the terms of the Ceasefire Agreement.

7 BOUGAINVILLE CEASEFIRE REVIEW BOARD

There shall be a Board to be known as the Bougainville Ceasefire Review Board. The membership of the Board shall be drawn from the following parties:

(i) one member from the Government of Papua New Guinea;

(ii) one member from the Security Forces;

(iii) one member from the Interim Legal Authorities;

(iv) one member from the organisation known as the Bougainville Interim Government;

(v) one member from the Bougainville Revolutionary Army; and

(vi) one member from the North Solomons (Bougainville) Administration

8 FUNCTIONS OF THE BOUGAINVILLE CEASEFIRE REVIEW BOARD

The functions of the Board are as follows:

(i) adjudicate on any matter referred to it by the Bougainville Ceasefire Committees pursuant to Clause 6(b) (v);

(ii) impose any sanction consistent with the establishment guidelines and the terms of the Ceasefire Agreement;

(iii) ensure that military reprisal for any breach of the Ceasefire Agreement shall not occur except as provided for in Clause 6 of the Agreement,

(iv) ensure that members of the Committees established in Clause 4(b) and 6(b) (iii) shall enjoy safety and immunity from harm.

9 BOUGAINVILLE PEACE CONFERENCE

In accordance with the Preamble to the Ceasefire Agreement, the Bougainville Peace Conference shall comprise of representatives from Bougainville political, social, cultural and economic groups, with recognized participation by women, youth and all sectors of Bougainville life

10. HUMANITARIAN ACCESS

The parties agree that there must be an immediate lifting of the restrictions on the provision of medical and other humanitarian services to all areas of Bougainville. The provision of such services includes that provided by recognized and independent agencies such as reputable Non-Governmental Organizations

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